

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA	:	
	:	
vs.	:	CRIMINAL ACTION 08-00135-KD-M
	:	
WILMER ALONZO STANLEY HINDS	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to Defendant Hinds' Notice of Intent to File Post-Conviction Appeal, Request Appointment of Appellate Counsel, and to Proceed In Forma Pauperis, with accompanying Application to Proceed Without Prepayment of Fees and Affidavit (Doc. 65 and Ex. 1), the Report and Recommendation of the Magistrate Judge made pursuant to 28 U.S.C. § 636(b)(3) and dated November 10, 2010, is hereby **ADOPTED** as the opinion of this Court.

Since the Report and Recommendation was made after a referral pursuant to 28 U.S.C. § 636(b)(3), Defendant does not have the opportunity to file an objection. Minetti v. Port of Seattle, 152 F.3d 1113, 1114 (9th Cir. 1998) ("Section 636(b)(3) does not provide a party with ten days to file written objections with the district court.").

Therefore, it is **ORDERED** that Defendant Hinds' Application to Proceed Without Prepayment of Fees is **DENIED**. Additionally, it is **ORDERED** that Defendant Hinds' request to appoint counsel to represent him on appeal, as contained in the Motion, is also **DENIED**. Moreover, it is **CERTIFIED** that this appeal is not taken in good faith as Defendant Hinds has failed to show that he has a non-frivolous issue to be presented to the Eleventh Circuit Court of Appeals.

DONE and ORDERED this the **16th** day of **November 2010**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE